COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

December 30, 2009

Mr. Hobie Halterman
General Manager
Valley Proteins, Inc. - Linville
6230 Kratzer Road
Linville, VA 22834

Plant: Linville Facility
Location: Rockingham County
Registration No.: 80144
Plant ID No.: 51-165-0023

Dear Mr. Halterman:

Attached is a permit to operate an animal rendering facility pursuant to 9 VAC 5 Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the minor New Source Review (NSR) permits dated October 23, 1992 and July 1, 2005, as amended December 11, 2006 and May 23, 2008.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions carefully.

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on September 1, 2009 and solicited written public comments by placing a newspaper advertisement in the *Daily News-Record* newspaper on November 13, 2009. The thirty-day comment period (provided for in 9 VAC 5-80-270) expired on December 13, 2009 with no public comment having been received in this office.

This permit approval shall not relieve Valley Proteins, Inc. - Linville of the responsibility to comply with all other local, state and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult this and other relevant provisions for additional requirements for such requests.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR HOBIE HALTERMAN
GENERAL MANAGER
VALLEY PROTEINS, INC. – LINVILLE
6230 KRATZER ROAD
LINVILLE VA 22834

COMPLETE THIS SECTION ON DELIVERY

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X [signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name) Sara Brown C. Date of Delivery 1/4/10

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Se MR HOBIE HALTERMAN
Si GENERAL MANAGER
or VALLEY PROTEINS, INC. – LINVILLE
Ci 6230 KRATZER ROAD
PS LINVILLE VA 22834

Instructions

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please call Anita Riggleman of the Valley Regional Office at (540) 574-7852.

Sincerely,

B. Keith Fowler
Deputy Regional Director

Attachment: Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AP20), U.S. EPA, Region III

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Valley Proteins, Inc.
Facility Name:	Valley Proteins, Inc., Linville
Facility Location:	State Route 753, one mile north of Linville, Virginia

Registration Number: 80144
Permit Number: VRO80144

January 4, 2010
Effective Date

January 3, 2015
Expiration Date

Regional Director, Department of Environmental Quality

December 30, 2009
Signature Date

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I. Facility Information

Permittee
Valley Proteins, Inc.
151 Val-Pro Road
P.O. Box 3588
Winchester, VA 22604

Responsible Official
Hobie Halterman
General Manager

Facility
Valley Proteins, Inc., Linville
6230 Kratzer Road
Linville, VA 22834

Contact Person
Robert T. Vogler
Director of Environmental Affairs
(540) 877-2590

Plant Identification Number: 51-165-0023

Facility Description: SIC Code: 2077 – Rendering of animal by-products and fats and NAISC: 31163 - Rendering and Meat Byproduct Processing

Valley Proteins, Inc. (VP) renders inedible animal by-products and surplus restaurant fats to produce protein solids and fats, which are sold to feed mills. One 22.5 ton/hr and one 18.1 ton/hr continuous cookers, five 1.75 ton/hr feather cookers, and two 3.5 ton/hr eggshell cookers breakdown and dehydrate raw animal materials into solids and fats using steam from five residual oil, finished animal/vegetable oil, and natural gas-fired boilers. The processed animal/vegetable oil may be mixed with distillate oil and may be used as a fuel for the boilers, depending on market and availability. One 10.0 ton/hr feather dryer is also used in the operation. Particulate matter, volatile organic compound, and odor emissions are controlled by two Venturi scrubbers, a packed tower scrubber, and five boilers. Fats and solids are stored in fat tanks and feed bins, respectively

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutants Controlled	Applicable Permit Date
Fuel Burning Equipment							
B-1	B1E-1	Cleaver Brooks CB400-700 boiler, manufactured in 1974	29.291 MMBtu/hr maximum heat input	---	---	---	7/1/05 as amended 12/11/06 and 5/23/08
B-2	B2E-1	Cleaver Brooks CB400-700 boiler, manufactured in 1974	29.291 MMBtu/hr maximum heat input	---	---	---	7/1/05 as amended 12/11/06 and 5/23/08
B-3	B3E-1	Cleaver Brooks CB400-700 boiler, manufactured in 1974	29.291 MMBtu/hr maximum heat input	---	---	---	7/1/05 as amended 12/11/06 and 5/23/08
B-4	B4E-1	Superior 4-S-3004 stand-by boiler, manufactured in 1973	25 MMBtu/hr maximum heat input	---	---	---	7/1/05 as amended 12/11/06 and 5/23/08
B-6	B6E-1	Johnston Series 509 boiler, manufactured in 1994	48.4 MMBtu/hr maximum heat input	---	---	---	7/1/05 as amended 12/11/06 and 5/23/08
Rendering Process Equipment							
CC-1	B1E-1 B2E-1 B3E-1 B4E-1 B6E-1 PTSE-1	Dupps 320U continuous cooker equipped with an air-cooled condenser, manufactured in 1988 OR Dupps 320U continuous cooker equipped with a shell & tube condenser, manufactured in 1988	22.5 tons/hr maximum solids input	Venturi scrubber and Cleaver Brooks boilers with firebox manufactured by AC Corporation or packed tower scrubber (when boilers are operating at firing load < 20%)	VS1 B-1 B-2 B-3 B-4 B-6 PTS-1	PM PM-10 VOC	7/1/05 as amended 12/11/06 and 5/23/08

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description (PCD)	PCD ID	Pollutants Controlled	Applicable Permit Date
CC-2R	B1E-1 B2E-1 B3E-1 B4E-1 B6E-1 PTSE-1	Dupps 260J continuous cooker equipped with a shell and tube condenser, manufactured in 2005	18.1 tons/hr maximum solids input	Venturi scrubber and Cleaver Brooks boilers with firebox manufactured by AC Corporation or packed tower scrubber (when boilers are operating at firing load < 20%)	VS1 B-1 B-2 B-3 B-4 B-6 PTS-1	PM PM-10 VOC	7/1/05 as amended 12/11/06 and 5/23/08
FC1 – FC-5	B1E-1 B2E-1 B3E-1 B4E-1 B6E-1 PTSE-1	Dupps 5x12 feather cookers equipped with an entrainment tank and an air-cooled condenser, manufactured in 1972-1976	1.75 tons/hr maximum solids input each	Venturi scrubber and Cleaver Brooks boilers with firebox manufactured by AC Corporation or packed tower scrubber (when boilers are operating at firing load < 20%)	VS1 B-1 B-2 B-3 B-4 B-6 PTS-1	PM PM-10 VOC	7/1/05 as amended 12/11/06 and 5/23/08
EC-1,2	B1E-1 B2E-1 B3E-1 B4E-1 B6E-1 PTSE-1	Dupps 5x16 eggshell cookers equipped with an entrainment tank and an air-cooled condenser, manufactured in 1974	3.5 tons/hr maximum solids input each	Venturi scrubber and Cleaver Brooks boilers with firebox manufactured by AC Corporation or packed tower scrubber (when boilers are operating at firing load < 20%)	VS1 B-1 B-2 B-3 B-4 B-6 PTS-1	PM PM-10 VOC	7/1/05 as amended 12/11/06 and 5/23/08
FD-1	B1E-1 B2E-1 B3E-1 B4E-1 B6E-1 PTSE-1	Feather dryer equipped with an entrainment tank and air-cooled condenser, manufactured in 1992	10.0 tons/hr maximum combined solids input (5.4 tons/hr feather meal product output at 10% moisture)	Venturi scrubber and Cleaver Brooks boilers with firebox manufactured by AC Corporation or packed tower scrubber (when boilers are operating at firing load < 20%)	VS1 B-1 B-2 B-3 B-4 B-6 PTS-1	PM PM-10 VOC	10/23/92
---	PTSE-1	Cooker process equipment	---	Venturi scrubber and packed tower scrubber	VS2 PTS-1	PM PM-10 VOC	7/1/05 as amended 12/11/06 and 5/23/08

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements - (Units B-1 – B-6)

A. Limitations

1. The Cleaver Brooks CB200 boiler (B-5) shall not supply steam or heat to the Valley Proteins, Inc. – Linville rendering facility.
   (9 VAC 5-80-110 and Condition 2 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. Only the Johnston boiler (B-6) shall provide steam for the Dupps 260J continuous cooker (CC-2R). When the Johnston boiler is not operating, the Superior boiler (B-4) may provide steam for the Dupps 260J continuous cooker (CC-2R).
   (9 VAC 5-80-110 and Condition 3 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

3. The Superior boiler (B-4) may provide steam as a back up to any one of the three Cleaver Brooks boilers (B-1, B-2, and B-3). Fuel consumed by the Superior boiler (B-4) when backing up the Cleaver Brooks boilers shall be included in the fuel throughput limit contained in Condition III.A.7.
   (9 VAC 5-80-110 and Condition 4 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

4. The approved fuels for the boilers (B-1, B-2, B-3, B-4, and B-6) are residual oil, natural gas, and processed animal fat. A change in the fuel may require a permit modification.
   (9 VAC 5-80-110 and Condition 5 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

5. The processed animal fat may be blended with distillate oil. The ratio shall consist of a maximum of 10 gallons of distillate oil per 6500 gallons of processed animal fat.
   (9 VAC 5-80-110 and Condition 6 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

6. The total combined annual fuel throughput for the Cleaver Brooks boilers (B-1, B-2, and B-3) shall be limited to no more than 2.0 million gallons per year of processed animal fat, calculated monthly as the sum of each consecutive 12-month period.
   (9 VAC 5-80-110 and Condition 7 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

7. The total combined annual fuel throughput for the Johnston and Superior boilers (B-4 and B-6) shall be limited to no more than 1,006,000 gallons per year of residual oil and 193.137 million cubic feet of natural gas per year, calculated monthly as the sum of each consecutive 12-month period.
   (9 VAC 5-80-110 and Condition 8 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

8. The permittee may substitute processed animal fat as a fuel for boiler B-4 or B-6 in accordance with the following methodology. The substitution ratio shall be 1.44 gallons of processed animal fat for each gallon of residual oil or 2,600 gallons of processed animal fat for each one million cubic feet of natural gas (i.e., for each gallon of animal fat burned, the allowable annual throughputs in Condition III.A.7 shall be decreased by 0.69 gallon for residual oil or 0.000385 million cubic feet for natural gas). In no case shall the total processed animal fat consumed in boiler B-6 exceed 1,950,796 gallons of processed animal fat per year, calculated monthly as the sum of each consecutive 12-month period.

   (9 VAC 5-80-110 and Condition 9 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

9. The residual oil burned in the boilers (B-4 and B-6) shall meet the specifications below:

   RESIDUAL OIL which meets the ASTM D396 specifications for numbers 4, 5, or 6 fuel oil:
   Maximum sulfur content calculated on a 30-day rolling average basis: 0.5%

   (9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.42c (d), 40 CFR 60.42c (g), and Condition 10 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

10. The distillate oil and processed animal fat shall meet the specifications below:

    DISTILLATE OIL which meets the ASTM D396 specifications for numbers 1 or 2 fuel oil:
    Maximum sulfur content per shipment: 0.05%

    Processed animal fats derived from Valley Proteins, Inc. rendering operations.

    (9 VAC 5-80-110 and Condition 11 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

11. Particulate matter emissions from the operation of the boilers (B-1, B-2, and B-3) combined shall not exceed 0.34 pound per million Btu per hour input when burning residual oil and natural gas.
    (9 VAC 5-80-110 and 9 VAC 5-40-900)

12. Sulfur dioxide emissions from the operation of the boilers (B-1, B-2, and B-3) combined shall not exceed 232.0 pounds per hour when burning residual oil and natural gas.
    (9 VAC 5-80-110 and 9 VAC 5-40-930)

13. The maximum sulfur content of the residual oil burned in the Cleaver Brooks boilers (B-1, B-2, and B-3) shall not exceed two and one half percent (2.5%) by weight per shipment.
    (9 VAC 5-80-110)

14. Emissions from the operation of each of the three Cleaver Brooks boilers (B-1, B-2 and B-3) when burning processed animal fat shall not exceed the limits specified below:

Particulate Matter	0.45	lbs/hr
PM-10	0.45	lbs/hr
Sulfur Dioxide	0.53	lbs/hr
Nitrogen Dioxide	8.54	lbs/hr
Carbon Monoxide	0.10	lbs/hr
Volatile Organic Compounds	0.40	lbs/hr

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 15 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

15. Emissions from the operation of the Superior boiler (B-4) shall not exceed the limits specified below:

Particulate Matter	1.30	lbs/hr
PM-10	1.13	lbs/hr
Sulfur Dioxide	13.08	lbs/hr
Nitrogen Dioxide	9.17	lbs/hr
Carbon Monoxide	2.03	lbs/hr
Volatile Organic Compounds	0.35	lbs/hr

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 17 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

16. Emissions from the operation of the Johnston boiler (B-6) shall not exceed the limits specified below:

Particulate Matter	2.52	lbs/hr
PM-10	2.19	lbs/hr
Sulfur Dioxide	25.33	lbs/hr
Nitrogen Dioxide	17.75	lbs/hr

Carbon Monoxide	3.93	lbs/hr
Volatile Organic Compounds	0.67	lbs/hr

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 16 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

17. Total emissions from the operation of the three Cleaver Brooks boilers (B-1, B-2, and B-3) when burning processed animal fat shall not exceed the limits specified below:

Particulate Matter	2.00	tons/yr
PM-10	2.00	tons/yr
Sulfur Dioxide	2.36	tons/yr
Nitrogen Dioxide	38.00	tons/yr
Carbon Monoxide	0.46	tons/yr
Volatile Organic Compounds	1.80	tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 18 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

18. Total emissions from the operation of the Johnston and Superior boilers (B-4 and B-6) shall not exceed the limits specified below:

Particulate Matter	4.66	tons/yr
PM-10	4.15	tons/yr
Sulfur Dioxide	39.54	tons/yr
Nitrogen Dioxide	37.32	tons/yr
Carbon Monoxide	10.63	tons/yr
Volatile Organic Compounds	1.76	tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 19 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

19. Visible emissions from the three Cleaver Brooks boiler (B-1, B-2, and B-3) stacks (B1E-1, B2E-1, and B3E-1) when burning processed animal fat shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity as determined by EPA Method 9 (reference 40 CFR Part 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-260, and Condition 20 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

20. Visible emissions from each of the three Cleaver Brooks boiler (B-1, B-2, and B-3) stacks (B1E-1, B2E-1, B3E-1) when burning residual oil or natural gas shall not exceed 20 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 21 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

21. Visible emissions from the Johnston boiler (B-6) and the Superior boiler (B-4) stacks (B6E-1 and B4E-1) when burning processed animal fat or natural gas shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-260, and Condition 22 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

22. Visible emissions from the Johnston boiler (B-6) stack (B6E-1) when burning residual oil shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 27 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-260, 40 CFR 60.43c, and Condition 23 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

23. Visible emissions from the Superior boiler (B-4) stack (B4E-1) when burning residual oil shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-260, and Condition 24 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

24. Boiler emissions shall be controlled by proper operation and maintenance of combustion equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall have

available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum.
(9 VAC 5-80-110, 9 VAC 5-20-180, and Condition 14 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

25. Except where this permit is more restrictive than the applicable requirement, the Johnston boiler (B-6) shall be operated in compliance with the requirements of 40 CFR 60, Subpart Dc.
(9 VAC 5-80-110 and Condition 25 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

B. Monitoring and Recordkeeping

1. The permittee shall sample and analyze the residual oil tank(s) serving the boilers (B-4 and B-6) initially before startup of the boilers and immediately after each shipment of residual oil is added to the tank in accordance with 40 CFR 60.46c (d)(2). The permittee shall maintain records of all oil analyses and of all oil shipments purchased. These records shall be available for inspection by the DEQ. Such records shall be current for the most recent five years.
(9 VAC 5-80-110, 40 CFR 60.44c (g), and Condition 12 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. The permittee shall obtain a certification from the fuel supplier with each shipment of residual oil or distillate oil. Each fuel supplier certification shall include the following:

   a. The name of the fuel supplier;

   b. The date on which the residual oil or distillate oil was received;

   c. The quantity of residual or distillate oil delivered in the shipment;

   d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for number 2 fuel oil;

   e. A statement that the residual oil complies with the American Society for Testing and Materials specifications (ASTM D396) for numbers 4, 5, or 6 fuel oil; and

   f. The sulfur content (percent by weight) of the residual oil or distillate oil.

   Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Conditions III.A.9 and III.A.10 Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.
   (9 VAC 5-50-410, 9 VAC 5-80-110, 9 VAC 5-170-160, and Condition 13 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

3. A continuous opacity monitor (COMS) shall be installed to measure and record opacity from the Johnston boiler stack (B6E-1). The opacity monitor shall monitor and record the opacity of the emissions discharged to the atmosphere when the Johnston boiler (B-6) is burning residual oil. The monitor shall be maintained, located, and calibrated in accordance with the applicable procedures under Performance Specification 1 of 40 CFR Part 60, Appendix B.

   (9 VAC 5-80-110, 9 VAC 5-50-30, 40 CFR 60.47c (b), 40 CFR 60.13, and Condition 26 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

4. The span value of the COMS shall be set at the following:

Monitor	Fuel Type	Span
COMS (Opacity)	Residual Oil	60% - 80%

   (9 VAC 5-80-110, 9 VAC 5-50-30, 40 CFR 60.47c (b), and Condition 27 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

5. The permittee shall perform periodic monitoring of the boiler stacks (B1E-1, B2E-1, B3E-1, B4E-1, and B6E-1) as follows:

   a. Conduct weekly inspections of each stack to determine the presence of visible emissions. The person conducting the inspection does not have to be EPA, Method 9 certified. However, the individual should be familiar with the procedures of EPA, Method 9 including using the proper location to observe visible emissions. If during the inspection, visible emissions are observed, the permittee shall take one of the following actions:

      (1) Timely corrective action shall be initiated within 4 hours of the inspection such that the stack operates with no visible emissions within 24 hours of the initial observation; or

      (2) An EPA Method 9 (40 CFR Part 60, Appendix A) visible emission evaluation (VEE) shall be conducted. If a VEE is conducted, the individual performing the VEE must hold a current EPA Method 9 certification. The VEE shall be conducted for a minimum period of six minutes. If any of the observations exceed the applicable opacity limit, the observation period shall continue until 60 minutes of observation have been completed or until a violation of the opacity limit for that stack has been documented, whichever period is shorter.

   b. If the results of any VEE, while burning residual oil exceed the applicable standards in Conditions III.A.20, III.A.22, and III.A.23, a performance test shall be conducted for particulate matter (PM) on the boiler stack which exceeded the standard using EPA Method 5 (40 CFR Part 60, Appendix A). The tests shall be performed while burning residual oil, and demonstrate compliance with the

standard contained in Condition III.A.11 and the emission limits contained in Conditions III.A.15, III.A.16, and III.A.18 within 90 days of the exceedance of the opacity standard or within one calendar year of the previous stack test of that boiler stack whichever occurs later. The details of the test are to be arranged with the Director, Valley Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Director, Valley Regional Office, within 45 days after test completion and shall conform to the test report format enclosed with this permit.

c. If the results of any VEE, while burning processed animal fat exceed the applicable standard in Conditions III.A.19 and III.A.21, a performance test shall be conducted for particulate matter (PM) on the boiler stack which exceeded the standard using EPA Method 5 (40 CFR Part 60, Appendix A). The tests shall be performed while burning processed animal fat, and demonstrate compliance with the emission limits contained in Conditions III.A.14 and III.A.17 within 90 days of the exceedance of the opacity standard or within one calendar year of the previous stack test of that boiler stack whichever occurs later. The details of the test are to be arranged with the Director, Valley Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Director, Valley Regional Office, within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110)

6. When a performance test is required by Condition III.B.5.b or III.B.5.c, the permittee shall conduct a concurrent VEE, in accordance with 40 CFR, Part 60, Appendix A, Method 9 on the stack being tested. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Valley Regional Office. Should conditions prevent concurrent opacity observations, the Director, Valley Regional Office, shall be notified in writing, within seven days, and visible emissions testing is to be rescheduled within 30 days. Rescheduled testing is to be conducted under the same conditions (as possible) as the performance tests. Two copies of the test result shall be submitted to the Director, Valley Regional Office, within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110)

7. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Regional Office. These records shall include, but are not limited to:

a. The monthly and annual throughput of processed animal fat (gallons) for the Cleaver Brooks boilers (B-1, B-2, and B-3). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

b. The daily, monthly, and annual throughput of residual oil (gallons), natural gas (million cubic feet), and processed animal fat (gallons) for the Johnston boiler (B-6). Annual throughput shall be calculated as the sum of each consecutive 12-month period.

c. The monthly and annual throughput of residual oil (gallons), natural gas (million cubic feet), and processed animal fat (gallons) for the Superior boiler (B-4). Annual throughput shall be calculated as the sum of each consecutive 12-month period.

d. The quantity of distillate oil and processed animal fat used in producing the blended animal fat for each batch blended.

e. Records of all oil analyses and supplier certifications and of all oil shipments purchased.

f. Fuel specification test results and certifications including sulfur content and heating value for the distillate oil.

g. All COMS performance evaluations and visible emission evaluations.

h. Monthly emissions calculations demonstrating compliance with the annual emissions limitations in Conditions III.A.17 and III.A.18.

i. A log of weekly inspections performed on the boiler stacks as required in Condition III.B.5 to include the following:

   (1) The date, time and name of the person performing each inspection;

   (2) Whether or not visible emissions are observed and the suspected cause of such emissions;

   (3) The date, time, and type of corrective actions taken.

j. The DEQ approved pollutant-specific emission factors and the equations used to demonstrate compliance with Conditions III.A.11, III.A.12, III.A.14, III.A.15, III.A.16, III.A.17, and III.A.18.

k. All visible emission evaluations and performance tests.

l. All opacity data.

m. Fuel specification test results for processed animal fat including sulfur content and heating value.

n. Training including a statement of time, place and nature of training provided.

These records shall be available on site for inspection by the Department and shall be current for the most recent five years.

(9 VAC 5-40-50, 9 VAC 5-80-110, and Condition 39 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

8. The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boilers. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 14 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

C. Testing

1. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the two boilers (B-4 and B-6) to demonstrate compliance with the visible emission limits contained in this permit. The details of the test shall be arranged with the Director, Valley Regional Office.
(9 VAC 5-80-110, 9 VAC 5-80-1200, 9 VAC 5-50-30 G, and Condition 38 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

D. Reporting

1. The permittee shall submit fuel quality reports to the Director, Valley Regional Office, postmarked no later than the 30th day following the end of the semi-annual period. If no shipments of residual oil were received during the semi-annual period, the semi-annual report shall consist of the dates included in the semi-annual period and a statement that no oil was received during the semi-annual period. If residual oil was received during the semi-annual period, the reports shall include:

   a. The dates included in the semi-annual period;

   b. A summary of all oil shipments purchased for the Superior and Johnston boilers (B-4 and B-6) indicating the supplier, volume of the shipment, and date on which the shipment was made;

   c. Each 30-day average sulfur content (weight percent) calculated during the reporting period, ending with the last 30-day period;

   d. Reasons for any noncompliance with the emission standards and a description of corrective actions taken; and

e. A summary of all subsequent oil analyses indicating the sampling dates, sulfur content of the oil and method used to sample and analyze the oil.

One copy of the semi-annual report shall be submitted to:

Associated Director
Offices of Air Enforcement (3AP20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.48c, and Condition 40 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. The permittee shall submit excess emissions reports to the Director, Valley Regional Office, for the Johnston boiler (B-6) on a semi-annual basis, postmarked no later than the 30th day following the end of the semi-annual period. These reports shall include, but are not limited to the following information:

   a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;

   b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;

   c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

   d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

   One copy of the semi-annual report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition III.D.1.
   (9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.48c, and Condition 41 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

IV. Rendering Process Equipment Requirements

A. Limitations

1. Particulate matter and volatile organic compound emissions from the rendering process equipment shall be controlled by wet and chemical scrubbers or incinerated as combustion air in the boilers (B-1, B-2, B-3, B-4, and B-6) as follows:

   a. Emissions from the following equipment shall be controlled by a 10,000 cfm Venturi scrubber (VS2) and a 15,000 cfm packed tower scrubber (PTS-1) operated in series:

      - All cooker process equipment including, but not limited to: drainers, pressers, screens, sedimentors, and centrifuges.

   b. Non-condensable emissions from the following equipment shall be controlled by a 5,000 cfm Venturi scrubber (VS1) and then incinerated as combustion air in the boilers (B-1, B-2, B-3, B-4, and B-6):

      - The Dupps 320U continuous cooker (CC-1), the Dupps 260J continuous cooker, the two eggshell cookers (EC-1 and EC-2), and the five batch feather cookers (FC-1 – FC-5).

   Whenever the boiler(s) is not available, these emissions shall pass through the 15,000 cfm packed tower scrubber (PTS-1). The bypass of the boilers is permitted only during times when the boilers are operating at a firing load of less than 20 percent. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 28 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. The total amount of material received for rendering for the facility shall not exceed 465,390 tons per year, calculated monthly as the sum of each consecutive 12-month period.
   (9 VAC 5-80-110 and Condition 33 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

3. Particulate matter emissions from the feather dryer (FD-1) equipped with an entrainment tank shall be controlled by a Venturi scrubber (VS1) with a design efficiency of 98%. The control devices shall be provided with adequate access for inspection.
   (9 VAC 5-80-110 and Condition 3 of 10/23/92 Permit)

4. Volatile organic compound and odor emissions from the feather dryer (FD-1) equipped with an A-frame condenser (ACC1) shall be controlled by a boiler firebox (B-1, B-2 or B-3). These control devices shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 4 of 10/23/92 Permit)

5. The annual throughput of wet feathers to the feather dryer (FD-1) shall not exceed 87,000 tons (47,000 tons of feather meal produced), calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 7 of 10/23/92 Permit)

6. The total amount of raw material input to the Dupps 260J continuous cooker shall not exceed 130,320 tons per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 34 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

7. Total emissions from the scrubber controlling the rendering process (PTS-1) shall not exceed the limits specified below:

Particulate Matter	2.68 lbs/hr	11.05 tons/yr
Volatile Organic Compounds	4.51 lbs/hr	18.62 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these limits shall be determined as stated in Conditions IV.A.2 and IV.A.8.
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 35 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

8. Visible emissions from the scrubber (PTS-1) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet specified limits due to the presence of water vapor shall not be a violation of that limit. This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-90, 9 VAC 5-50-260, and Condition 36 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

9. In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

   a. Develop a maintenance schedule.

b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

(9 VAC 5-80-110 and Condition 14 of 10/23/92 Permit)

10. The permittee shall have available written operating procedures for all air pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All air pollution control operators shall be trained and certified in the proper operation of all such equipment. The permittee shall operate in accordance with the written operating procedures for all air pollution control equipment. The permittee shall review the operating procedures annually. (9 VAC 5-80-110 and Condition 37 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08 and Condition 15 of the 10/23/92 Permit)

B. Monitoring and Recordkeeping

1. The packed tower scrubber (PTS-1) shall be equipped with a device to continuously measure the differential pressure across the scrubber (PTS-1). The monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring device shall be provided with adequate access for inspection and shall be in operation when the packed tower scrubber (PTS-1) is operating.

   (9 VAC 5-80-110, 9 VAC 5-50-20 C, and Condition 29 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

2. The monitoring devices used to continuously measure the differential pressure across the packed tower scrubber (PTS-1) shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations from the packed tower scrubber (PTS-1).

   (9 VAC 5-80-110, 9 VAC 5-50-20 C, and Condition 30 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

3. Each Venturi scrubber (VS1 and VS2) shall be equipped with a device to continuously measure the scrubber flow rate and differential pressure across the scrubber. Each monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the Venturi scrubbers (VS1 and VS2) are operating.
   (9 VAC 5-80-110, 9 VAC 5-50-20 C, Condition 31 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08, and Condition 3 of 10/23/92 Permit)

4. The monitoring devices used to continuously measure the Venturi scrubbers' flow rate and differential pressure (VS1 and VS2) shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations from the Venturi scrubbers (VS1 and VS2).

   (9 VAC 5-80-110, 9 VAC 5-50-20 C, and Condition 32 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08 and Condition 3 of the 10/23/92 Permit)

5. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Regional Office. These records shall include, but are not limited to:

   a. Monthly and annual throughput of material received for rendering (in tons) for the facility. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

   b. Monthly and annual throughput of material (in tons) processed by the Dupps 260J continuous cooker (CC-2R). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

   c. Annual throughput of wet feather input and feather meal product output for the feather dryer (FD-1). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

   d. A log of daily monitoring device observations as required by Conditions IV.B.2 and IV.B.4 to include differential pressure on the packed tower scrubber (PTS-1) and the flow rate and differential pressure for the Venturi scrubbers (VS1 and VS2).

   e. Record of manufacturer's specifications including design efficiency for the Venturi scrubber (VS1).

   f. Records of all scheduled and non-scheduled maintenance.

   g. Records of training provided including names of trainees, date of training, and nature of training. Operating procedures shall be reviewed annually and the date of this review and any operational changes shall be documented.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-80-110, Condition 39 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08, and Conditions 10 and 14 of the 10/23/92 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emission testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
   (9 VAC 5-80-110 and Condition 6 of 10/23/92 Permit)

2. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the two boilers (B-4 and B-6) and the packed tower scrubber (PTS-1) to demonstrate compliance with the visible emission limits contained in this permit. The details of the test shall be arranged with the Director, Valley Regional Office.
   (9 VAC 5-80-110, 9 VAC 5-80-1200, 9 VAC 5-50-30 G, and Condition 38 of the 7/1/05 Permit as amended 12/11/06 and 5/23/08)

3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
   (9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC5-80-720 C)
MS-1, MS-2, MS-3, MS-4, MS-5	five meal storage silos (66,500 cubic feet each)	9 VAC 5-80-720 B	PM and PM-10	---
SS-1, SS-2	two silage storage silos (66,500 cubic feet each)	9 VAC 5-80-720 B	PM and PM-10	---
T-1	distillate oil fuel tank (10,000 gals)	9 VAC 5-80-720 B	VOC	---
T-2	residual oil fuel tank (20,000 gals)	9 VAC 5-80-720 B	VOC	---
T-3	residual oil fuel tank (17,000 gals)	9 VAC 5-80-720 B	VOC	---
T-4	diesel fuel storage tank (15,000 gals)	9 VAC 5-80-720 B	VOC	---
T-5	gasoline storage tank (2,000 gals)	9 VAC 5-80-720 B	VOC	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified	---	---

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

      (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Valley Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Valley Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios. (9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)